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Attorney Docket No. 11-238

REMARKS

Please consider the following comments. Following this response, claims 1-13 are pending. The applicant respectfully requests reconsideration and allowance of this application in view of the above amendments and the following remarks.

Priority

The applicant notes with appreciation the acknowledgement of the claim for priority under section 119 and the notice that all of the certified copies of the priority documents have been received.

Information Disclosure Statement

The applicant acknowledges and appreciates receiving an initialed copy of the form PTO-1449 that was filed on March 25, 2004.

Specification

By this response, Applicants are correcting a few typographical errors in the specification. No new matter is being added by these amendments.

In particular, with respect to the amendment to the paragraph bridging pages 9 and 10, the changes to this paragraph are being made to bring the specification in conformance with the drawings. As shown in FIG. 3, the voltage Vp1 is formed at the connected point of the piezoresistance elements G2 and G3, not G1 and G3. Likewise, the voltage Vp2 is formed at the connected point of the piezoresistance elements G1 and G4, not G2 and G4.

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Claim Objections

The Examiner has rejected claims 1, 2, and 7 because of a few informalities.

In particular, the Examiner objected to claims 1 and 2 because of a spelling error in which the term "range" was written as "rang." And the Examiner objected to claim 7 because of a spelling error in which the term "state" was written as "sate."

By this response Applicants have corrected both of these spelling errors. Applicants therefore respectfully request that the Examiner withdraw the objection to claims 1, 2, and 7.

Claim Rejections – 35 U.S.C. § 112

The Examiner has rejected claims 1 and 2 under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular, the Examiner has asserted that the claims would be indefinite to one of ordinary skill in the art in describing the particular voltages being monitored. Specifically, the Examiner has asserted that given the language of claims 1 and 2, it is unclear whether the first evaluation circuit is only comparing to a signal reference voltage or a voltage range similar the second evaluation circuit, only in a different set of voltages.

By this response Applicants have cancelled the claim language that the Examiner objected to. In its place, Applicants recite that the first voltage evaluation circuit determines whether or not the power voltage is lower than a first predetermined voltage and outputs a first accident state signal when the power voltage is lower than the first predetermined voltage, and that the second voltage evaluation circuit determines whether or not the power voltage is equal to or lower than the second predetermined voltage, and outputs a second accident state signal when the power voltage is equal to or lower than the second predetermined voltage.

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To clarify more precisely how these two voltage evaluation circuits operate, claims 1 and 2 further recite that the first voltage evaluation circuit is operable only when the power voltage is higher than a second predetermined voltage, and the second voltage evaluation circuit is operable when the power voltage is between a third predetermined voltage and the second predetermined voltage, the first predetermined voltage being higher than the second predetermined voltage, and the second predetermined voltage being higher than the first predetermined voltage.

These claim amendments make it clear precisely how the particular voltages are being monitored. In particular, the first voltage evaluation circuit operates only in a first detection range between the second and first predetermined voltages, while the second voltage evaluation circuit operates in a second detection range between the third and second predetermined voltages.

Support for these amendments can be found, for example, in Applicants' specification from page 14, line 2, through page 17, line 21, and FIGs. 3 and 5.

For at least these reasons Applicants respectfully submit that the claims are fully definite and meet all the requirements of 35 U.S.C. § 112. Applicants therefore respectfully request that the Examiner withdraw the rejection of claims 1 and 2 under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim Rejections – 35 U.S.C. § 102

The Examiner has rejected claim 1 under 35 U.S.C. § 102(b) as being allegedly anticipated by United States Published Patent Application No. 2005/0174249 to Weder ("Weder"). Applicants respectfully traverse this rejection.

The Examiner has made this rejection under 35 U.S.C. § 102(b), which provides that a person shall be entitled to a patent unless "the invention was patented or described in a printed

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publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States." Weder was published on August 11, 2005, over sixteen months after the present application was filed. As a result, it is not a valid reference under 35 U.S.C. § 102(b), and so this rejection is improper.

However, in an effort to expedite prosecution, and in no way acquiescing to the pending rejection, Applicants offer the following comments.

By this response, Applicants have amended claim 1 to recite a first voltage evaluation circuit, which determines whether or not the power voltage is lower than a first predetermined voltage and outputs a first accident state signal when the power voltage is lower than the first predetermined voltage, the first voltage evaluation circuit being operable only when the power voltage is higher than a second predetermined voltage, the first predetermined voltage being higher than the second predetermined voltage; and a second voltage evaluation circuit, which determines whether or not the power voltage is equal to or lower than the second predetermined voltage, and outputs a second accident state signal when the power voltage is equal to or lower than the second predetermined voltage, the second voltage evaluation circuit being operable when the power voltage is between a third predetermined voltage and the second predetermined voltage, the second predetermined voltage being higher than the first predetermined voltage. The output circuit outputs an alarm signal in response to either of the outputted first or second accident state signals.

In this way, the first voltage evaluation circuit evaluates the power voltage only in a first detection range between the second predetermined voltage and the first predetermined voltage, while the second voltage evaluation circuit can evaluate the power voltage in a second detection range between the third predetermined voltage and the second predetermined voltage. And although the first voltage evaluation circuit does not operate in the second detection range, the

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second voltage evaluation circuit does, and so between them, the two voltage evaluation circuits cover both detection ranges. And the output circuit outputs an alarm signal in response to the operation of either voltage evaluation circuit.

In contrast, Weder teaches adaptive voltage monitoring using a voltage monitoring arrangement including a number of comparison devices (i.e., CMP1 through CMP6). More specifically, in Weder, a monitored input voltage VDD is intended to be within one of three voltage range. The circuit therefore judges whether the voltage VDD is within the lowest voltage range, the middle voltage range, or the highest voltage range. (See, e.g., Weder, paragraphs [0014], [0015], and [0016]). However, Weder does not disclose that any of the comparison devices CMP1 through CMP6 are only operative for different ranges of a power voltage, as required by claim 1. In fact, since there is no indication that the comparison devices CMP1 through CMP6 are in any way different, it would appear as if they are all function in the same manner. Thus, Weder fails to teach two separate voltage evaluation circuits with two separate operating voltage ranges with respect to the value of a power voltage, in order to precisely evaluate the power voltage.

For at least the reasons given above, Applicants respectfully request that the Examiner withdraw the rejection of claim 1 under 35 U.S.C. § 102(b) as being allegedly anticipated by Weder.

Claim Rejections – 35 U.S.C. § 103

The Examiner has rejected claims 2 and 4 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Weder in view of United States Patent No. 4,186,390 to Enemark ("Enemark"). Applicants respectfully traverse this rejection.

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In order for Weder to be a proper reference under 35 U.S.C. § 103(a), it must meet the requirements for a valid reference under some portion of 35 U.S.C. § 102. And Applicants do not believe that the Examiner has made a *prima facie* case supporting this. As noted above, Weder was published on August 11, 2005, *after* the filing date of the present application. This precludes it as being a valid reference under 35 U.S.C. § 102(a), (b), or (e)(1).

35 U.S.C. § 102(e)(2) allows the Examiner to rely on the filing date for U.S. applications as well as certain international applications. But this too does not make Weder a *prima facie* valid reference. Weder was *filed* on January 26, 2005, also after the filing date of the present invention. And while it does claim priority to PCT Application No. PCT/DE03/02468, which was filed on July 22, 2003, the Examiner has provided no evidence that this international application should be fall under the provisions of 35 U.S.C. § 102(e)(2).

This portion of 35 U.S.C. § 102(e) provides that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language. However, The Examiner has provided no evidence that PCT Application No. PCT/DE03/02468 was ever published in the English language. And since it was based on a German national application, this is by no means a guarantee. Thus, without additional evidence, Applicants question whether Weder is a properly-cited reference under 35 U.S.C. § 102(e)(2).

Sections (c), (f), or (g) of 35 U.S.C. § 102 clearly do not apply with respect to Weder.

Since the Examiner has not set forth a *prima facie* case that Weder is a properly cited document under 35 U.S.C. § 102, it is likewise not a properly cited document under 35 U.S.C. § 103. Therefore the rejection under 35 U.S.C. § 103 is not valid.

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However, in an effort to expedite prosecution, and in no way acquiescing to the pending rejection, Applicants offer the following comments.

Applicants have amended claim 2 in a manner comparable to that of claim 1. The elements of claim 2 are therefore not disclosed in Weder for reasons similar to those given above for claim 1. What Weder does not disclose it likewise does not suggest.

Enemark teaches a battery powered smoke detector, but does not teach evaluation of a power voltage. Therefore, nothing in Enemark cures the deficiencies in Weder noted above.

Claim 4 depends from claim 2 and is allowable for at least the reasons given above for claim 2.

For at least the reasons given above, Applicants request that the Examiner withdraw the rejection of claims 2 and 4 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Weder in view of Enemark.

Allowable Subject Matter

The Examiner objected to claims 3 and 5-9 as being dependent upon a rejected base claim, but has indicated that they would be allowable if rewritten into independent form including all of the limitations of the base claim and any intervening claims.

Applicants respectfully acknowledge the allowability of these claims. However, since independent claims 2, from which dependent claims 3 and 5-9 depend, is allowable for the reasons given above, claims 3 and 5-9 are not dependent on a properly rejected base claim.

Thus, claims 3 and 5-9 should be allowable. Applicants respectfully request that the Examiner withdraw the objection to claims 3 and 5-9 as being dependent upon a rejected base claim.

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Claim Amendments

By this response, Applicants have amended claims 3 and 5-9 to better recite the claimed invention, and use more idiomatic English. These amendments are being made solely to clarify what is recited by these claims, and not in response to an art rejection. Any narrowing amendment to the claims in the present amendment is not to be construed as a surrender of any subject matter between the original claims and the present claims; rather this is merely an attempt at providing one or more definitions of what the applicant believes to be suitable patent protection. The present claims provide the intended scope of protection that the applicant is seeking for this application. Therefore, no estoppel should be presumed, and the applicant's claims are intended to include a scope of protection under the Doctrine of Equivalents.

New Claims

By this response, Applicants have added new claims 10-13. Claim 10 depends from claim 1 and is allowable for at least the reasons given above for claim 1. Claims 11-13 depend from claim 2 and are allowable for at least the reasons given above for claim 2.

Applicants respectfully request that the Examiner enter and consider these new claims.

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Conclusion

For all the reasons advanced above, the applicant respectfully submits that pending claims 1-13, as amended, are allowable.

In view of the foregoing, the applicant respectfully submits that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,



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